

CS FOR SENATE BILL NO. 86(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 4/9/21

Referred: Finance

Sponsor(s): SENATE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to occupational licensing; relating to temporary licenses, permits, and**
2 **certificates; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 08.01.062 is repealed and reenacted to read:

5 **Sec. 08.01.062. Temporary licenses, permits, and certificates.** (a) The
6 department shall issue a temporary license, permit, or certificate under this section to
7 engage in an occupation regulated under this chapter to an individual who holds a
8 corresponding license, permit, or certificate in good standing in another jurisdiction
9 substantially equivalent to the license, permit, or certificate issued in this state, if the
10 individual pays the required fee for a temporary license, permit, or certificate
11 established by the department.

12 (b) A temporary license or permit issued under this section is valid for one
13 year. A temporary license, permit, or certificate issued under this section allows the
14 temporary license, permit, or certificate holder to temporarily practice the occupation

1 for which the license, permit, or certificate was granted, within the scope designated
2 by the department or applicable board.

3 (c) The department shall issue a temporary license under this section to the
4 spouse of an active duty member of the armed forces of the United States who meets
5 the requirements of this section within 10 business days after the department receives
6 the spouse's complete application for the temporary license.

7 * **Sec. 2.** AS 08.11.050 is amended to read:

8 **Sec. 08.11.050. Fees.** The department shall set fees under AS 08.01.065 for
9 each of the following:

- 10 (1) application;
- 11 (2) credential review;
- 12 (3) audiologist license and speech-language pathologist license;
- 13 (4) [TEMPORARY LICENSE;
- 14 (5)] renewal of license;
- 15 **(5)** [(6)] delinquency;
- 16 **(6)** [(7)] reinstatement;
- 17 **(7)** [(8)] duplicate license;
- 18 **(8)** [(9)] speech-language pathologist assistant registration application
19 and renewal.

20 * **Sec. 3.** AS 08.13.070 is amended to read:

21 **Sec. 08.13.070. License required.** A person may not

22 (1) practice barbering, hairdressing, hair braiding, manicuring,
23 esthetics, body piercing, tattooing, or permanent cosmetic coloring without a license,
24 [TEMPORARY PERMIT,] temporary license **issued under AS 08.01.062,**
25 **temporary supervised practice license**, or student permit unless exempted under
26 AS 08.13.160(d);

27 (2) practice barbering, hairdressing, hair braiding, manicuring,
28 esthetics, body piercing, tattooing, or permanent cosmetic coloring except in a shop or
29 school licensed under this chapter unless exempted under AS 08.13.160(d) or
30 permitted under AS 08.13.160(e);

31 (3) open or conduct a school of barbering, hairdressing, manicuring, or

1 esthetics without a license;

2 (4) teach in a school of barbering, hairdressing, manicuring, or
3 esthetics, or supervise an apprentice in barbering, hairdressing, manicuring, or
4 esthetics without an instructor's license;

5 (5) operate a shop in violation of AS 08.13.120;

6 (6) permit an employee or other person being supervised who is not
7 exempted under AS 08.13.160(d) to practice barbering, hairdressing, hair braiding,
8 manicuring, esthetics, body piercing, tattooing, or permanent cosmetic coloring
9 without a license, [TEMPORARY PERMIT,] temporary license **issued under**
10 **AS 08.01.062, temporary supervised practice license**, or student permit;

11 (7) permit the use of the person's license, [TEMPORARY PERMIT,]
12 temporary license **issued under AS 08.01.062, temporary supervised practice**
13 **license**, or student permit by another person;

14 (8) obtain or attempt to obtain a license, [TEMPORARY PERMIT,]
15 temporary license **issued under AS 08.01.062, temporary supervised practice**
16 **license**, or student permit by fraudulent means.

17 * **Sec. 4.** AS 08.13.130(a) is amended to read:

18 (a) A practitioner shall display the practitioner's license in a conspicuous
19 location in the practitioner's place of business. Each shop owner is responsible for the
20 conspicuous display of the shop's license and the licenses of employees and
21 individuals renting booths in the shop. A person holding a student permit, temporary
22 license **issued under AS 08.01.062, or temporary supervised practice license** [, OR
23 TEMPORARY PERMIT] shall display the permit or license in a conspicuous location
24 in the school in which the person is enrolled or the shop in which the person works.
25 The school or shop owner is responsible for the display of a permit or license for each
26 enrolled student, apprentice, or temporary license holder.

27 * **Sec. 5.** AS 08.13.150 is amended to read:

28 **Sec. 08.13.150. Disciplinary sanctions and grounds for refusal of a license**
29 **or permit.** The board may, in addition to the actions authorized under AS 08.01.075,
30 refuse, suspend, or revoke a license, student permit, temporary license **issued under**
31 **AS 08.01.062, or temporary supervised practice license** [, OR TEMPORARY

PERMIT] for failure to comply with this chapter, with a regulation adopted under this chapter, with a regulation adopted by the Department of Environmental Conservation under AS 44.46.020, or with an order of the board.

* **Sec. 6.** AS 08.13.175 is amended to read:

Sec. 08.13.175. Temporary supervised practice license. A person who meets the requirements of AS 08.13.080(a)(1), (2), (3), (4), or (6) is entitled to **receive a temporary supervised practice license** [BE TEMPORARILY LICENSED] after applying for examination under this chapter if the applicant works under the direct supervision, and within the physical presence, of a person who is licensed in the area of practice for which the applicant has applied for examination. A temporary **supervised practice** license issued under this section is valid for 120 days and is nonrenewable. A person may not receive more than one temporary **supervised practice** license for each area of practice licensed under this chapter. An application for a temporary **supervised practice** license must be signed by the supervising licensee and accompanied by the temporary **supervised practice** license fee required under AS 08.13.185.

* **Sec. 7.** AS 08.13.185(a) is amended to read:

(a) The Department of Commerce, Community, and Economic Development shall set fees under AS 08.01.065 for initial licenses and renewals for the following:

- (1) schools;
- (2) school owners;
- (3) instructor;
- (4) shop owner;
- (5) practitioner of barbering;
- (6) practitioner of hairdressing;
- (7) practitioner of manicuring;
- (8) practitioner of esthetics;
- (9) practitioner of tattooing;
- (10) practitioner of body piercing;
- (11) temporary shop license;
- (12) [TEMPORARY PERMIT;

(13)] temporary supervised practice license;

(13) [(14)] student permit;

(14) [(15)] endorsement for advanced manicuring;

(15) [(16)] practitioner of hair braiding;

(16) [(17)] practitioner of permanent cosmetic coloring;

(17) [(18)] practitioner of non-chemical barbering.

* **Sec. 8.** AS 08.13.190 is amended to read:

Sec. 08.13.190. Failure to possess a license or permit. (a) A person who practices barbering, hairdressing, hair braiding, esthetics, tattooing, permanent cosmetic coloring, or body piercing, or operates a shop, or operates a school of barbering, hairdressing, or esthetics, or teaches in a school of barbering, hairdressing, or esthetics, without a license, [TEMPORARY PERMIT,] temporary license issued under AS 08.01.062, temporary supervised practice license, or student permit and who is not exempt under AS 08.13.120 or 08.13.160(d) [UNDER AS 08.13.160(d)] is guilty of a class B misdemeanor.

(b) A person who practices manicuring, operates a shop for manicuring, operates a school of manicuring, or teaches in a school of manicuring without the appropriate license, [TEMPORARY PERMIT,] temporary license issued under AS 08.01.062, temporary supervised practice license, or student permit and who is not exempt under AS 08.13.120 or 08.13.160(d) is guilty of a violation.

* **Sec. 9.** AS 08.20.180(a) is amended to read:

(a) An applicant for an examination, reexamination, [ISSUANCE OF A TEMPORARY PERMIT UNDER AS 08.20.160, ISSUANCE OF A LOCUM TENENS PERMIT UNDER AS 08.20.163,] issuance of a license by credentials under AS 08.20.141, one-time issuance of a retired status license, or initial issuance or renewal of an active or inactive license shall pay a fee established under AS 08.01.065.

* **Sec. 10.** AS 08.36.100 is amended to read:

Sec. 08.36.100. License required. Except as provided in AS 08.36.238 [AND 08.36.254], a person may not practice, or attempt to practice, dentistry without a license.

* **Sec. 11.** AS 08.63.130 is amended to read:

Sec. 08.63.130. Temporary practice license for the practice of marital and family therapy. (a) The board shall issue a temporary practice license for the practice of marital and family therapy to an applicant who satisfies the requirements of AS 08.63.100(a)(1), (2), and (3)(A), (B), and (C) and has been approved by the board to take the marital and family therapy examination.

(b) A person may practice under a temporary practice license until the board issues the results of the first marital and family therapy examination given after issuance of the person's temporary practice license and either issues or denies a license under AS 08.63.100 to the person.

(c) If a licensee under this section fails the marital and family therapy examination, the board may not renew the person's temporary practice license.

* **Sec. 12.** AS 08.64.279 is amended to read:

Sec. 08.64.279. Interview for permits. An applicant for an intern permit or [,] a resident permit [, OR A TEMPORARY PERMIT FOR LOCUM TENENS PRACTICE] may be interviewed in person by the board, a member of the board, the executive secretary of the board, or a person designated for that purpose by the board.

* **Sec. 13.** AS 08.64.315 is amended to read:

Sec. 08.64.315. Fees. The department shall set fees under AS 08.01.065 for each of the following:

- (1) application;
- (2) license by examination;
- (3) license by endorsement or waiver of examination;
- (4) [TEMPORARY PERMIT;
- (5) LOCUM TENENS PERMIT;
- (6)] license renewal, active;
- (5) [(7)] license renewal, inactive;
- (6) [(8)] license by reexamination.

* **Sec. 14.** AS 08.68.220 is amended to read:

Sec. 08.68.220. Fees. The Department of Commerce, Community, and Economic Development shall set fees under AS 08.01.065 for each of the following:

- 1 (1) registered nursing:
 - 2 (A) application;
 - 3 (B) license by examination;
 - 4 (C) license by endorsement;
 - 5 (D) license renewal;
 - 6 [(E) TEMPORARY PERMIT;]
- 7 (2) practical nursing:
 - 8 (A) application;
 - 9 (B) license by examination;
 - 10 (C) license by endorsement;
 - 11 (D) license renewal;
 - 12 [(E) TEMPORARY PERMIT;]
- 13 (3) advanced practice registered nursing:
 - 14 (A) application;
 - 15 (B) license by certification examination;
 - 16 (C) license by endorsement;
 - 17 (D) license renewal [;
 - 18 (E) TEMPORARY PERMIT].

19 * **Sec. 15.** AS 08.80.160 is amended to read:

20 **Sec. 08.80.160. Fees.** The Department of Commerce, Community, and
 21 Economic Development shall set fees under AS 08.01.065 for the following:

- 22 (1) examination;
- 23 (2) reexamination;
- 24 (3) investigation for licensing by license transfer;
- 25 (4) pharmacist license;
- 26 (5) [TEMPORARY LICENSE;
- 27 (6)] pharmacy technician license;
- 28 **(6)** [(7)] pharmacy intern license;
- 29 **(7)** [(8) EMERGENCY PERMIT;
- 30 (9)] license amendment or replacement;
- 31 **(8)** [(10)] registration or licensure of a facility classified under

1 AS 08.80.157(b).

2 * **Sec. 16.** AS 08.84.010(b) is amended to read:

3 (b) The board shall control all matters pertaining to the licensing of physical
4 therapists, physical therapy assistants, occupational therapists, and occupational
5 therapy assistants and the practice of physical therapy and the practice of occupational
6 therapy. The board shall

7 (1) pass upon the qualifications of applicants;

8 (2) provide for the examination of applicants;

9 (3) issue [TEMPORARY PERMITS AND] licenses to persons
10 qualified under this chapter;

11 (4) suspend, revoke, or refuse to issue or renew a license under
12 AS 08.84.120;

13 (5) keep a current register listing the name, business address, date, and
14 number of the license of each person who is licensed to practice under this chapter;

15 (6) adopt regulations under AS 44.62 (Administrative Procedure Act)
16 necessary to carry out the purposes of this chapter including regulations establishing
17 qualifications for licensure and renewal of licensure under this chapter.

18 * **Sec. 17.** AS 08.84.050 is amended to read:

19 **Sec. 08.84.050. Fees.** The Department of Commerce, Community, and
20 Economic Development shall set fees under AS 08.01.065 for the following:

21 (1) application;

22 (2) license by examination;

23 (3) license by acceptance of credentials;

24 (4) renewal [;

25 (5) TEMPORARY PERMIT;

26 (6) LIMITED PERMIT].

27 * **Sec. 18.** AS 08.84.150 is amended to read:

28 **Sec. 08.84.150. License required; exceptions.** (a) It is unlawful for a person
29 to practice physical therapy without being licensed under this chapter unless the
30 person is

31 (1) a student in an accredited physical therapy program;

(2) a graduate of a foreign school of physical therapy fulfilling the internship requirement of AS 08.84.032, and then only unless under the continuous direction and immediate supervision of a physical therapist; or

(3) issued a temporary [LIMITED] permit under AS 08.01.062 [AS 08.84.075].

(b) A person may not provide services that the person describes as occupational therapy without being licensed under this chapter unless the person is

(1) a student in an accredited occupational therapy program or in a supervised field work program;

(2) a graduate of a foreign school of occupational therapy fulfilling the internship requirement of AS 08.84.032, and then only unless under the continuous direction and immediate supervision of an occupational therapist;

(3) an occupational therapist or occupational therapy assistant employed by the United States government while in the discharge of official duties;

(4) granted a temporary [LIMITED] permit under AS 08.01.062 [AS 08.84.075];

(5) licensed under this title and uses occupational therapy skills in the practice of the profession for which the license is issued; or

(6) employed as a teacher or teacher's aide by an educational institution and is required to use occupational therapy skills during the course of employment, if

(A) the occupational therapy skills are used under a program implemented by the employer and developed by a licensed occupational therapist;

(B) the employer maintains direct supervision of the person's use of occupational therapy skills; and

(C) the person does not represent to

(i) be an occupational therapist or occupational therapy assistant; and

(ii) practice occupational therapy.

* **Sec. 19.** AS 08.98.120(a) is amended to read:

(a) A person may not practice veterinary medicine, surgery, or dentistry unless the person is licensed as a veterinarian under this chapter or has a temporary permit issued under **AS 08.01.062** [AS 08.98.186], except that a person may perform functions authorized by

(1) regulation of the board if the person is licensed as a veterinary technician; or

(2) a permit issued under AS 08.02.050 if the person is employed by an agency that has a permit issued under AS 08.02.050.

* **Sec. 20.** AS 08.98.180 is amended to read:

Sec. 08.98.180. Temporary supervised practice license. A person who meets the requirements of AS 08.98.165(a)(1), (4), and (5) is entitled to **receive a temporary supervised practice license** [BE TEMPORARILY LICENSED] after applying for examination if the person works under the supervision of a licensed veterinarian. A license issued under this section is valid until the results of the examinations are published. A person may not receive more than one temporary license. An application for a temporary **supervised practice** license must be signed by the supervising veterinarian and accompanied by the temporary license fee required under AS 08.98.190.

* **Sec. 21.** AS 08.98.190 is amended to read:

Sec. 08.98.190. Fees. The department shall set fees under AS 08.01.065 for the following:

- (1) application;
- (2) examination;
- (3) investigation of credentials;
- (4) license;
- (5) license renewal;
- (6) temporary **supervised practice** license [;
- (7) TEMPORARY PERMIT].

* **Sec. 22.** AS 08.01.063, 08.01.064(b), 08.01.064(c), 08.01.064(d); AS 08.11.020, 08.11.025; AS 08.13.170; AS 08.15.030; AS 08.20.160, 08.20.163; AS 08.26.050; AS 08.36.254; AS 08.45.035; AS 08.64.101(b)(2), 08.64.270, 08.64.275; AS 08.68.210;

- 1 AS 08.70.130; AS 08.80.150, 08.80.155; AS 08.84.065, 08.84.075; AS 08.86.135, 08.86.166;
- 2 AS 08.95.125; and AS 08.98.186 are repealed.
- 3 * **Sec. 23.** This Act takes effect January 1, 2022.